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STATE OF CALIFORNIA
Fish and Game Commission

August 10, 2006

ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of a continuation notice of proposed regulatory action regarding Section 502, Title 14, California Code of Regulations. Please note that the date of the public hearing related to this matter has been changed to **August 24, 2006**. The location remains the same at the Museum of Natural History, Fleischmann Auditorium, Santa Barbara. Written comments must be received no later than August 24, 2006, at the hearing in Santa Barbara.

Also attached for your review is a copy of the Pre-Adoption Statement of Reasons with the proposed regulatory language showing changes to the original proposal. Please note that the modified language is shown in double underline format.

You may attend the August 24, 2006, meeting and submit written or oral comments. While you have until August 24, 2006, to submit comments, you are encouraged to transmit them to the Commission office by 5:00 p.m. on August 18. Submission by this date provides more time for review by the Commissioners.

Sincerely,

Sherrie Koell
Associate Governmental Program Analyst

Attachments

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

(Continuation of California Notice Register 2006, No. 27-Z, and Meetings of June 23 and August 3-4, 2006.)

NOTE: The Fish and Game Commission is exercising its powers under Section 202 of the Fish and Game Code as the following changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption. See the text of this notice—changes are shown in **bold** type.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 202, 355 and 356 of said Code, proposes to amend Section 502, Title 14, California Code of Regulations, regarding waterfowl hunting.

Updated Informative Digest/Policy Statement Overview

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits. In addition to the six proposals contained herein, the U.S. Fish and Wildlife Service (Service), after analysis of waterfowl population survey and other data, may also initiate changes in Federal regulations which will require changes in existing and proposed regulations in California. Changes in Federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Five (items 1 through 5) of the six proposed changes to state regulations require changes in the Federal regulations. These proposals must be approved by the Pacific Flyway Council at their meeting on July 19, 2006. The Service will consider these and other recommendations at their meeting on July 26-27, 2006. Item 6 (including the table) below proposes a range of season dates and bag limits for waterfowl. At this time, the California Breeding Pair Survey has not been conducted and the Service has not established Federal regulation “frameworks” which occurs in late July after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public. Also, minor editorial changes were made to clarify and simplify the regulations and to comply with existing Federal frameworks.

The Department’s proposals are as follows:

1. Modify the existing boundary in the Northeastern Zone to include Shasta Valley in the Northeastern Zone.

The U.S. Fish and Wildlife Service approved this change.

2. Increase the Small Canada goose season length in the North Coast Special Management Area to 107 days, (split the Small Canada goose season into 2 segments) and allow hunting for Small Canada geese from February 24 until March 10.

The U.S. Fish and Wildlife Service approved this change.

3. Increase the white-fronted goose daily bag limit to either 3 or 4 in the Northeastern Zone. An increase to 4 is contingent upon a spring hunt in Oregon.

The U.S. Fish and Wildlife Service approved a 4/day limit for white-fronted geese in the Northeastern Zone.

4. Increase the white-fronted goose daily bag limit to 4 in the Southern San Joaquin Valley and Balance of State zones, contingent upon a spring hunt in Oregon.

The U.S. Fish and Wildlife Service approved this change.

5. Increase the black brant season length to 30 days.

The U.S. Fish and Wildlife Service approved this change.

6. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days for all hunting methods. A range of daily bag limits is also given for ducks in all zones and geese in the Northeastern California, Southern San Joaquin Valley, Southern California, Balance of State, and Colorado River zones. Also, Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. See the following table for season and bag limit ranges.

The following table has been amended from the version in the Initial Statement of Reasons to reflect the Department's regulation recommendations consistent with the Federal frameworks as established July 31, 2006. Federal frameworks allow general duck seasons to be as long as 107 days in the Pacific Flyway with a 7-bird daily duck bag limit (including Mallards); that the pintail and canvasback seasons could be as long as the general duck season with a 1-bird bag limit; and that other proposals from California (see above) were accepted. The Department recommends a 7 bird daily bag limits for Mallards, however a range from 5-7 in total and a range of 1-2 hen Mallards is maintained in the summary table to provide flexibility to the Commission in response to public comment on this particular issue.

In response to public recommendations, five changes from the Initial Statement are incorporated herein relative to season length and bag limits. 1) In the Balance of State and Southern San Joaquin Valley zones, the original recommendation was a daily bag limit of 3 Large Canada geese and the revised proposal is for a 4-bird daily bag limit of Large Canada geese in these zones. 2) In the Southern San Joaquin Valley Zone, the original recommendation was for a duck season of between 38 and 100 days; the revised proposal increases the length of duck season in that Zone to 102 days. 3) The proposal to split the duck season in the Southern San Joaquin Valley Zone in combination with the proposed regulations for falconry hunting in that Zone, would result in hunting in excess of the 107 days allowed under Federal frameworks; the proposal is amended to recommend falconry hunting for ducks only. 4) The proposal for 107 days of hunting for Small Canada geese in the North Coast Special Management in combination with the proposed regulation for falconry in the Balance of State Zone (the North Coast Special Management Area is within the Balance of State Zone) causes a conflict with Federal falconry regulations, and falconry regulations are proposed to change in the North Coast Special Management Area to

provide separate limits and seasons for ducks and geese taken by falconry in the Special Management Area. 5) The original proposal included a recommendation for a Late Season (February 24 –March 10) hunt for Small Canada geese in the North Coast Special Management Area to address depredation problems on private lands. The proposal is revised to stipulate that hunting during this late season can occur only on private lands.

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
Northeastern Zone	Ducks	Oct 7 - Jan 19	7/day, 5-7 mallards, 1-2 hen mallards, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 7 – Jan 14	4/ day, up to 4 white geese, up to 4 white-fronts, up to 2 Large Canada geese, only 1 Small Canada goose. Possession limit double the daily bag.
Southern San Joaquin Valley Zone	Ducks	Oct 7 – Oct 29 and Nov 11 – Jan 28	7/day, 5-7 mallards, 1-2 hen mallards, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 21 – Jan 28	4/ day, up to 4 white geese, up to 4 white-fronts, up to 4 Large Canada geese, up to 4 Small Canada geese. Possession limit double the daily bag.
Colorado River Zone	Ducks	Oct 20 – Jan 28	7/day, 5-7 mallards, 1-2 hen mallards or Mexican-like ducks, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 20 – Jan 28	6/ day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
Southern California Zone	Ducks	Oct 21 – Jan 28	7/day, 5-7 mallards, 1-2 hen mallards, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 21 – Jan 28	5/day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
Balance of State Zone	Ducks	Oct 21 – Jan 28	7/day, 5-7 mallards, 1-2 hen mallards, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 21 – Jan 28	4/ day, up to 4 white geese, up to 4 white-fronts, up to 4 Large Canada geese, up to 4 Small Canada geese. Possession limit double the daily bag.
SPECIAL AREA REGULATIONS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast	All Canada Geese	Oct 31 – Jan 28 and Feb 24 – Mar 10, except for Large Canada geese which are closed after the last Sunday in January. Only private lands are open to hunting during any season beyond the last Sunday in January.	4/day, only 1 may be a Large Canada goose. Possession limit double the daily bag.
South Humboldt Bay	All species	Closed during brant season	
Sacramento Valley (West)	White-fronted geese	Closed after Dec 14	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	

Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	Nov 4 – Dec 3	2/day. Possession limit double the daily bag.
Balance of State Brant	Black Brant	Nov 11 – Dec 10	2/day. Possession limit double the daily bag.
YOUTH HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
FALCONRY TAKE OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Oct 7 – Jan 19	3/ day, possession limit 6
Balance of State Zone	Same as regular season.	Oct 21 – Feb 4	
North Coast Special Management Area	Ducks	Oct 21 – Feb 4	
	Geese	Concurrent with Small Canada goose season. See 502(d)(5)(D)1	
Southern San Joaquin Valley Zone	Ducks only	Concurrent with duck season and Jan 29-31	
Southern California Zone	Same as regular season	Oct 21 – Feb 4	
Colorado River Zone	Ducks only	Oct 20 – Feb 2	

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Museum of Natural History, Fleischmann Auditorium, 2559 Puesta del Sol Road, Santa Barbara, California, on **Thursday, August 24, 2006, at 10:0 a.m.**, or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 18, 2006 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 21, 2006. All comments must be received no later than August 24, 2006, at the hearing in Santa Barbara, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is

based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Eric Loft, Chief, Wildlife Programs Branch, Department of Fish and Game, phone (916) 445-3406, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Date: August 10, 2006

Jon K. Fischer
Assistant Executive Director